UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

CRAIG WILSON, ERIC BELLAMY,) CASE NO.: 4:20cv794
KENDAL NELSON, and MAXIMINO)
NIEVES, on behalf of themselves and those)
similarly situated,) JUDGE JAMES S. GWIN
, , , , , , , , , , , , , , , , , , ,)
Petitioners,	,)
2 01200010225,)
V.)
··) SUPPLEMENT TO RESPONDENTS'
MARK WILLIAMS, Warden of Elkton) ANSWER, RETURN OF WRIT, AND
Federal Correctional Institution; and) RESPONSE IN OPPOSITION TO
MICHAEL CARVAJAL, Federal Bureau of) EMERGENCY PETITION FOR WRIT
Prisons Director, in their official capacities,) OF HABEAS CORPUS, INJUNCTIVE
Prisons Director, in their official capacities,	,
) AND DECLARATORY RELIEF
Respondents.)

Pursuant to the directions of the Court during the Status Conference on April 17, 2020, Respondents hereby supplement their Answer, Return of Writ, and Response in Opposition to Petitioners' Emergency Petition for Writ of Habeas Corpus, Injunctive and Declaratory Relief by providing the following information requested by the Court:

I. COVID-19 TESTING AT ELKTON

Initially, Elkton was provided with 5 COVID-19 tests from LabCorp. Staff at Elkton then communicated with the Columbiana County Health Department and received an additional 50 tests. Staff at Elkton have been attempting to get more COVID-19 tests for the inmate population, including conversations with the Columbiana County Health Department and the Ohio Department of Health. To date, Elkton has not received any more of those tests. However, on April 13, 2020, the BOP National Fill from Pollock provided Elkton with an Abbott Rapid COVID testing machine and 25 rapid test cassettes. Staff at Elkton believe that they will receive

an additional 25 rapid test cassettes each week. Further, staff at Elkton have attempted to order test swabs and all of their sources for ordering test swabs are back-ordered until July or August. Staff at Elkton have tested 37 inmates using their supplies. Additional inmates have been tested by outside hospitals.

II. INFECTION RATES AT ELKTON

Here is a current breakdown of FCI vs. FSL COVID-19 infections per population:

Facility	Population	Isolation	Suspected	Resolved	Confirmed
FCI	2032	118	132	67	47
FSL	393	56	75	57	12

Respondents note that while there are more inmates identified as "Suspected" than in "Isolation", all inmates suspected of COVID-19 were isolated from general population. The category of "Isolation" came later when a separate isolation unit was created. Respondents note that positive tests can be compared to other BOP facilities at https://www.bop.gov/coronavirus/However, Respondents are unaware of any comparison with other local, state, and federal detention facilities.

III. ADDITIONAL RELEVANT CASE LAW

Additionally, undersigned counsel became aware of the following persuasive case law regarding the exhaustion of administrative remedies and granting of relief after filing its response and hereby provides the citation to the Court for its consideration: *Edward Nellson v. Warden J. Barnhart, et al.*, No. 20-cv-00756-PAB (D. Col. Apr. 16, 2020) (attached as Ex. D).

(Signatures on following page)

Respectfully submitted,

JUSTIN E. HERDMAN United States Attorney

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